## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARK WHITAKER, :

:

Petitioner, : CIVIL ACTION NO. 14-2321

V.

:

VINCENT MOONEY, THE DISTRICT ATTORNEY OF THE COUNTY OF PHILADELPHIA, and THE ATTORNEY GENERAL OF THE STATE OF PENNSYLVANIA,

:

Respondents.

## **ORDER**

**AND NOW**, this 7<sup>th</sup> day of August, 2015, after considering the petition for writ of habeas corpus and the accompanying memorandum in support (Doc. No. 1), the respondents' response thereto (Doc. No. 18), the state-court record, the report and recommendation filed by United States Magistrate Judge Lynn A. Sitarski (Doc. No. 27), and the objections to the report filed by the petitioner (Doc. No. 31); accordingly, it is hereby **ORDERED** as follows:

- 1. The Clerk of Court is **DIRECTED** to remove this action from civil suspense;
- 2. The petitioner's objections to the report and recommendations (Doc. No. 31) are **OVERRULED:**<sup>1</sup>
- 3. The Honorable Lynn A. Sitarski's report and recommendation (Doc. No. 13) is **APPROVED** and **ADOPTED**;
  - 4. The petition for writ of habeas corpus (Doc. No. 1) is **DENIED**; and

<sup>&</sup>lt;sup>1</sup> The court conducts a *de novo* review and determination of the portions of the report and recommendation by the magistrate judge to which there are objections. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."); *see also* E.D. Pa. Loc. R. Civ. P. 72.1(IV)(b) (providing requirements for filing objections to magistrate judge's proposed findings, recommendations or report).

5.	The Clerk of	Court shall	mark this	case <b>CLOSED</b> .

BY THE COURT:

/s/ Edward G. Smith EDWARD G. SMITH, J.